

**REMARKS/ARGUMENTS**

In response to the Office Action dated December 31, 2003, please consider the following remarks.

In the Office Action issued December 31, 2003, claims 2-14 and 18-21 were rejected under 35 U.S.C. §112, ¶1 for failing to comply with the written description requirement. Claims 1-10 and 12-23 were rejected under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 15, 16, 17, 19, 20, 22, and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Srinivasan et al. U.S. Patent No. 5,852,822 (Srinivasan). Claim 11 was objected to as being in improper form. The drawings were objected to.

Claims 1-23 are now pending in this application. Claims 1, 3-4, 16, 22, and 23 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2, 17, and 18 have been cancelled. Claim 11 was amended to correct a typographical error regarding the dependency. The specification has been amended to include references to elements added to Fig. 1 as a result of the correction of that figure and to correct the written description issue. The drawings have been corrected by amending Fig. 1. No new matter has been added.

Regarding the rejection of claims 2-14 and 18-21 were rejected under 35 U.S.C. §112, ¶1 for failing to comply with the written description requirement,

written description support for these claims may be found throughout the specification and in the originally filed claims themselves. In particular, written description support for claim 2 may be found at page 6, lines 4-10 of the originally filed specification. Written description support for claim 21 may be found in the originally filed claim 21 itself. Accordingly, the specification has been amended to include the claimed subject matter, per MPEP 2163.06, § III.

The applicant respectfully submits that the present invention, according to claims 1-23, is not anticipated by Srinivasan. Srinivasan discloses a method and apparatus for building, maintaining, and using a multi-level index. Srinivasan discloses splitting a leaf node and Srinivasan also discloses pointers to leaf nodes. However, Srinivasan does not disclose or suggest storing pointers or addresses as metadata of any kind. Likewise, Srinivasan does not disclose or suggest the existence of guess-database block addresses, nor any use for such guess-database block addresses.

By contrast, the present invention, for example, according to claim 1, requires during splitting of a leaf block of a database index recording an address of a newly created leaf block, maintaining the address of the newly created leaf block in a list as part of metadata of a primary B+tree, and maintaining a measure of invalid guess-database block addresses by calculating a ratio of a count of database block addresses in the list of new addresses to a total number of leaf blocks of the primary B+tree. Srinivasan does not disclose or suggest storing

pointers or addresses as metadata of any kind. Further, Srinivasan does not disclose or suggest any kind of metadata, or any metadata associated with a B+tree. Likewise, Srinivasan does not disclose or suggest the existence of guess-database block addresses, nor does Srinivasan disclose or suggest maintaining a measure of invalid guess-database block addresses.

Claim 16 requires a list of addresses of blocks newly created during splitting of a primary B+tree, a count of database block addresses in the list; and a ratio of count of database block addresses to total number of leaf blocks as a measure of invalid guess-database block addresses. Srinivasan does not disclose or suggest the existence of guess-database block addresses, nor does Srinivasan disclose or suggest a measure of invalid guess-database block addresses.

Thus, the present invention, according to claims 1 and 16, and according to claims 22 and 23, which are similar to claim 1, is not anticipated by Srinivasan. Likewise, the present invention, according to claims 2-15, which depend from claim 1, is not anticipated by Srinivasan.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

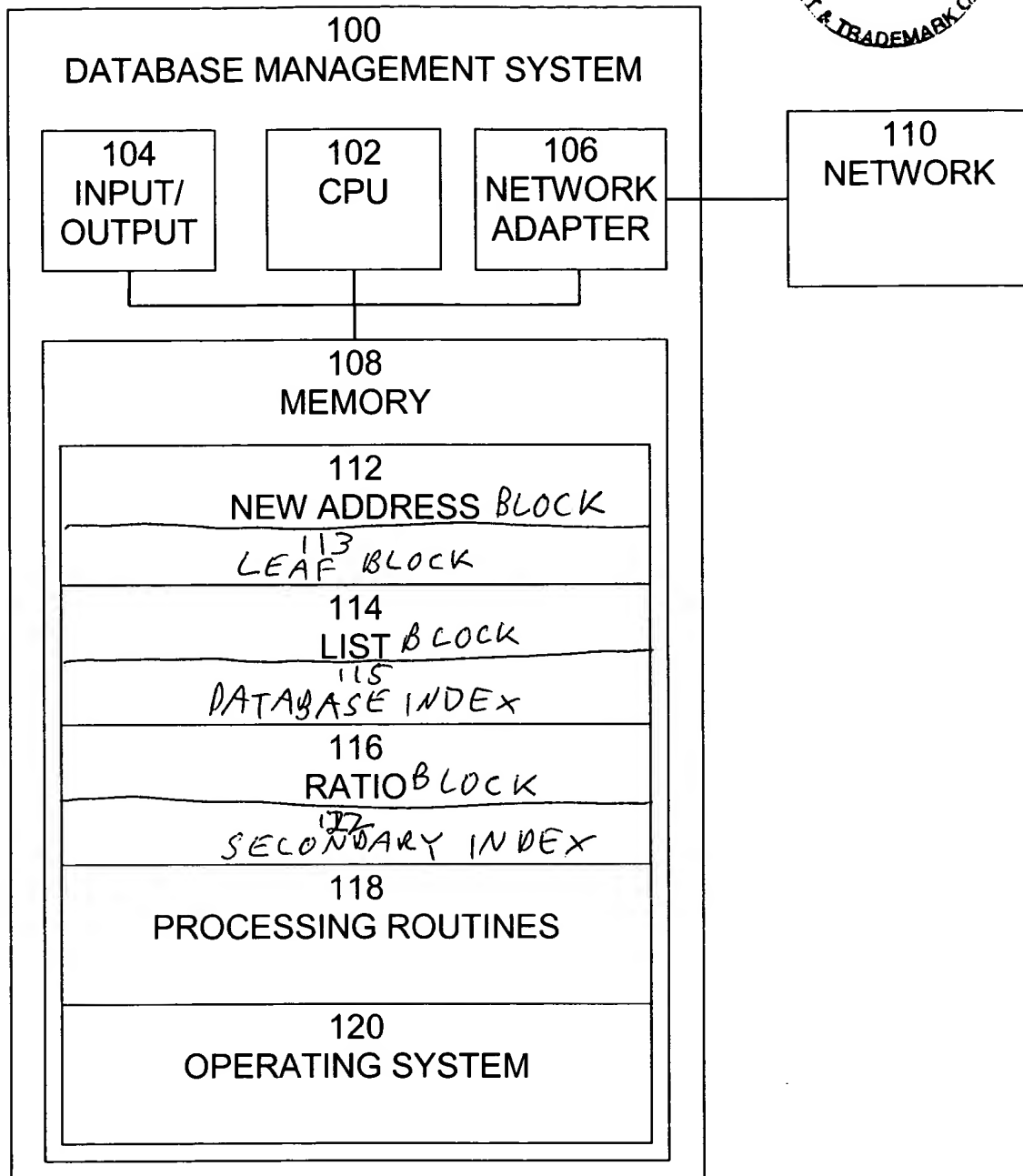


Fig. 1

Approved on 6/7/04

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